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February 20, 1990

STATE COASTAL CONSERVANCY
OAKLAND, CALIF.

Peter Douglas
Executive Director
California Coastal Commission
631 Howard Street
Fourth Floor
San Francisco, California 94105

Re: Development of Public Access to Escondido Beach

Dear Mr. Douglas:

I represent Mr. Donahue Wildman who owns a single family residence at 27910 Pacific Coast Highway, Malibu, California. The Wildman parcel and the adjoining parcel owned by Kenneth Chiate and Roger Wolk are currently encumbered by a vertical pedestrian access easement. I am aware that discussions are ongoing with representatives of Black Tor Corporation regarding creating a fund for the development of this easement in conjunction with settling the current litigation with the Commission.

I have walked this easement on several occasions with representatives of the Coastal Conservancy relating to their recent inquiries into the feasibility of developing the easement. By any fair assessment it is clear that development of the easement would be extremely costly and problematic at best. I encourage you to confirm this assessment with the Conservancy staff who are familiar with the topography and terrain of the easement. I am convinced you will find there is a growing consensus that in order to maximize public access to Escondido Beach the money necessary to develop this easement would be better spent at a more appropriate location. Simply put, the existing easement is in a terrible location and no public purpose is served by throwing good money after a bad easement.

My client is highly motivated to cooperate with the Coastal Commission and Coastal Conservancy in acquiring a more suitable alternative site for promoting public access onto Escondido Beach. From my discussions with Ken Chiate it is apparent he is similarly inclined towards achieving this objective. Unfortunately, the Escondido Beach area contains some of the most expensive real estate in the United States. It is obvious that acquiring property to promote public access will be extremely expensive. It follows that more alternatives for acquiring property will be available if more parties share the economic burden.

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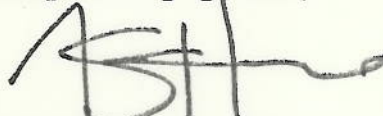
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We have worked with Black Tor Corporation in the past in exploring several different opportunities which did not pan out. I appreciate Black Tor Corporation is frustrated with our inability to resolve this complex problem in a timely manner. Nonetheless, I am confident that by continuing a concerted cooperative effort it is likely we will be able to promote public access to Escondido Beach in a manner which would be acceptable to the public agencies. Mr. Chiate and I are actively pursuing a number of new sites which appear promising.

In closing, I urge you not to settle with Black Tor Corporation until my client and the other interested parties have had an adequate opportunity to present you with alternatives for promoting public access to Escondido Beach. I sincerely believe if all the parties continue to work together we will arrive at a creative solution for the common good of all concerned.

I would appreciate your response.

Very truly yours,



JONATHAN S. HORNE

cc: Ralph Faust, Esq.
Steven Kaufman, Esq.
Marcia Grimm, Esq.
Pam Emerson
Marvin Burns, Esq.
Kenneth Chiate
Lee Marsh, Esq.
Burt Levinson, Esq.